

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office

February 18, 1997 LB 453

Permanent School Fund. But the normal rule is not to use them, not to use them. Although the provision in this bill is probably constitutional, the general rule in Nebraska is not to permit punitive damages. And generally speaking, the voice that admonishes us to continue with that rule is the business community. I think the committee found it ironic that when one business was suing another business the suing business was in search of punitive damages, that which it would generally disallow for anybody else who might be suing a business. So, to remove that irony, the committee struck the use of punitive damages altogether so that any normal plaintiff doesn't get punitive damages in this state, and they won't be able to get punitive damages just because they're a business under this area in this kind of case. The second and last change in the committee amendments is that the party who sues has to give notice to the party that's being sued. The party that's being sued has a period of time...or, I'm sorry, I say sued, being complained about to the Secretary of State. The original bill that was brought to us gave the responding business ten days to respond. The committee felt that was too short, that the normal, standard benchmark for this kind of situation is 30 days, and the second committee amendment is to substitute a 30-day response time for the 10-day response time that was in the green copy of the bill. And I would ask for the adoption of the committee amendments. Thank you.

SPEAKER WITHEM: Senator Wesely, on the committee amendments.

SENATOR WESELY: Mr. Speaker, I do rise in support of the committee amendments. I want to explain the punitive damages element in the bill. It was part of a model act that we used in drafting it. And obviously we've not taken that position in Nebraska, so I would rise in support of the committee amendments.

SPEAKER WITHEM: Thank you, Senator Wesely. There are no further lights on considering committee amendments. Waiving... Closing has been waived. The question before the body now is, shall the committee amendments be adopted? All in favor vote aye, opposed vote nay. Record, Mr. Clerk.

CLERK: 27 ayes, 0 nays on adoption of committee amendments.